

SUMMARY: The Bureau of Reclamation is announcing the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 2.50 percent for fiscal year 2021. The prior year's rate, as announced in the **Federal Register** on December 17, 2019, was 2.75 percent for fiscal year 2020.

DATES: This discount rate is to be used for the period October 1, 2020, through and including September 30, 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Fernando Castro-Alvarez, Bureau of Reclamation, Reclamation Law Administration Division, P.O. Box 25007, Denver, Colorado 80225; telephone 303-445-2821.

SUPPLEMENTARY INFORMATION: The Water Resources Planning Act of 1965 and the Water Resources Development Act of 1974 require an annual determination of a discount rate for Federal water resources planning. The discount rate for Federal water resources planning for fiscal year 2021 is 2.50 percent. Discounting is to be used to convert future monetary values to present values.

This rate has been computed in accordance with Section 80(a), Public Law 93-251 (88 Stat. 34), and 18 CFR 704.39, which: (1) Specify that the rate will be based upon the average yield during The preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity (average yield is rounded to nearest one-eighth percent); and (2) provide that the rate will not be raised or lowered more than one-quarter of 1 percent for any year. The U.S. Department of the Treasury calculated the specified average to be 1.5730 percent. In accordance with the Water Resource Council Rules and Regulations, the maximum adjustment allowed for the current fiscal year rate is one-quarter of one percentage point from the previous fiscal year rate, which was 2.75 percent. Therefore, the fiscal year 2021 rate is 2.50 percent.

The rate of 2.50 percent will be used by all Federal agencies in the formulation and evaluation of water and related land resources plans for the purpose of discounting future benefits and computing costs or otherwise converting benefits and costs to a common-time basis.

Signed:

Christopher J. Beardsley,
Director, Policy and Programs.

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DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

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Leaders in Advancing Safety and Environmental Stewardship

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Safety and Environmental Enforcement (BSEE) developed objective, qualitative and quantifiable criteria to create a "Leaders in Advancing Safety and Environmental Stewardship" Recognition Program to recognize operators who demonstrate exemplary operating performance or sustained safety and environmental stewardship improvements on their Outer Continental Shelf (OCS) oil and gas facilities, including support vessels, and leadership within the industry regarding operational safety and environmental performance. BSEE's process for identifying "Leaders in Advancing Safety and Environmental Stewardship" is consistent with BSEE's inspection programs, regulations, and Notice to Operators and Lessees (NTL) No. 2008-N02, *Outer Continental Shelf (OCS) Inspection Program*. The "Leaders in Advancing Safety and Environmental Stewardship" Recognition Program will recognize OCS operators demonstrating high levels of operational safety, sustained safety improvement, or industry leadership on operational safety issues. The primary objective of the Recognition Program is to drive OCS operators to significantly improve safety and environmental prioritization, culture, and performance on OCS facilities and to encourage them to become leaders in industry regarding operational safety and environmental issues. Another objective is to create a platform through which BSEE can educate the public regarding the fact that OCS operators can conduct complex and high-risk operations on OCS oil and gas facilities in a way that is safe for personnel, the public, and the environment.

DATES: This notice will become effective on December 11, 2020.

FOR FURTHER INFORMATION CONTACT: Jason Mathews, Bureau of Safety and Environmental Enforcement, Chief, Safety Improvement Branch, (504) 731-1496, or by email: jason.mathews@bsee.gov.

SUPPLEMENTARY INFORMATION:

Each year, BSEE Gulf of Mexico and Pacific Regions conduct Annual Performance Reviews (APRs) of OCS operators. The APRs consist of a review of the following:

- The operator's compliance history, as reflected in findings from the BSEE Inspection Program;
- The operator's safety record as it relates to incidents;
- Any action that BSEE has forwarded to the BSEE Safety Enforcement Division (SED) for review for potential assessment of a civil penalty; and,
- The results of the most recent internal and regulatory audits of the operator's Safety and Environmental Management System (SEMS) program.

BSEE will use the information gathered during the APRs to provide factual bases for determining eligibility for operator recognition.

For an OCS operator to qualify for consideration as a Leader in Advancing Safety and Environmental Stewardship, the operator must have either:

1. An Injury/Illness Combined Rate (total recordables) less than the OCS average for the prior reporting year, or
2. Demonstrate two or more consecutive years of improvement of its Injury/Illness Combined Rate.

In addition, the OCS operator's operations for the reporting must not have included any of the following:

- Fatality;
- Incident with ≥ 3 injuries;
- Major pollution incidents;
- Major Fire/Explosion;
- ≥ 3 Incidents of Noncompliance (INCs) forwarded for civil penalty cases or \$1 million in cumulative proposed fines;
- Loss of Well Control; (not to include shallow water flow)
- ≥ 3 Facilities on Increased Oversight List;
- Order to perform an additional Directed SEMS Audit; or,
- A sustained environmental compliance record <90 percent with assigned environmental mitigation measures and similar regulatory requirements; or,
- Placement on a Performance Improvement Plan.

If an OCS operator is disqualified by any of the factors above, BSEE may reconsider the operator for potential recognition if the issue(s) is satisfied prior to March 31st of the following year.

For OCS operators that meet the requirements above, BSEE will also look at how those operators are providing leadership within the industry regarding operational safety. BSEE will consider whether the OCS operator is offering

industry advice and details on steps it has taken that have resulted in significant improvement to its safety performance, and leadership positions it has taken within industry organizations, such as the American Petroleum Institute (API), the Offshore Operators Committee (OOC), or The Center for Offshore Safety (COS), with a focus on advancing safety. Similarly, BSEE will also assess how operators are providing guidance and supporting environmental research, mitigation assessments, and project validation of pollution prevention, spill preparedness/response, and environmental compliance efforts, which not only benefit their operations and stewardship culture, but every partner in the OCS energy program.

Environmental stewardship components that BSEE will consider include:

- A sustained compliance record (≤ 90-percent) with assigned environmental mitigation measures and similar regulatory requirements, as confirmed by office and field verification;
- Participation and leadership with critical Joint Industry Project (JIP) efforts and within environmental and/or pollution prevention-focused workgroups and teams;
- Response preparedness and planning assessments;
- Non-compulsory enhancements and innovation above and beyond standard pollution prevention requirements; and
- Repeated (100-percent) appropriate and constructive response on corrective/remedial actions associated with all noncompliance issues.

For information on the “Leaders in Advancing Safety and Environmental Stewardship” Recognition Program or the submission of comments, the public should contact Mr. Jason Mathews, Chief, Safety Improvement Branch, Regional Field Operations (GE 1073E), BSEE, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, (504) 731–1496.

BSEE will implement this program in 2021, with qualifying OCS operators recognized in 2022 for their 2020 and 2021 calendar year performance. BSEE will initiate performance reviews beginning in January 2021 and January 2022, and all OCS operators who meet the minimum requirements and are selected by BSEE for recognition, will be identified by April-May 2022.

Casey Hammond,

Principal Deputy Assistant Secretary, Land and Minerals Management.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1088 (Rescission)]

Certain Road Construction Machines and Components Thereof; Commission Decision to Institute a Rescission Proceeding; Permanent Rescission of a Seizure and Forfeiture Order; Termination of the Rescission Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a proceeding to determine whether to permanently rescind the Commission’s seizure and forfeiture order (“SFO”) of January 14, 2020 (corrected January 23, 2020) issued against Wirtgen America, Inc. (“Wirtgen America”). The SFO is permanently rescinded. The rescission proceeding is terminated.

FOR FURTHER INFORMATION CONTACT:

Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 29, 2017, based on a complaint, as supplemented, filed by Caterpillar Inc. of Peoria, Illinois and Caterpillar Paving Products, Inc. of Minneapolis, Minnesota (collectively, “Caterpillar”). See 82FR 56625–26 (Nov. 29, 2017). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) (“section 337”), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain road construction machines and

components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,140,693 (“the ‘693 patent”); 9,045,871; and 7,641,419. See *id.* The notice of investigation identifies the following respondents: Wirtgen GmbH of Windhagen, Germany; Joseph Vögele AG of Ludwigshafen, Germany; Wirtgen Group Holding GmbH of Windhagen, Germany; and Wirtgen America of Antioch, Tennessee (collectively, “Wirtgen”). See *id.* The Office of Unfair Import Investigations is not a party to this investigation. See *id.*

On June 27, 2019, the Commission found a violation of section 337 in the above-identified investigation based on the infringement of claim 19 of the ‘693 patent and issued a limited exclusion order against the infringing articles and a cease and desist order (collectively, “the remedial orders”) against Wirtgen America. The United States Customs and Border Protection (“Customs”) subsequently excluded six Wirtgen redesigned series 1810 machines in December 2019. Based on such exclusion, the Commission issued the subject SFO on January 14, 2020 (corrected January 23, 2020). On March 13, 2020, Wirtgen filed an appeal from the SFO (“the SFO appeal”) to the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”).

On January 30, 2020, Wirtgen filed a civil action against Customs and related U.S. government parties (collectively, “the U.S. government”) in the U.S. Court of International Trade (“CIT”) under 28 U.S.C. 1581(a) and (i). The Commission moved to intervene to contest the CIT’s exercise of jurisdiction, and the CIT denied the Commission’s motion. The CIT exercised jurisdiction under section 1581(a) over the U.S. government’s objections and granted summary judgment for Wirtgen as to the excluded entries of the redesigned machines at issue. The CIT also ordered Customs to release the machines for entry into the United States no later than Thursday, May 21, 2020. On July 14, 2020, the U.S. government appealed the CIT’s decision to the Federal Circuit (“the CIT appeal”).

On May 21, 2020, arguing that the predicate for the SFO had been invalidated by the CIT, Wirtgen filed an emergency motion to stay or temporarily rescind the SFO pending resolution of any CIT appeal. On June 10, 2020, the Commission determined to deny Wirtgen’s motion to stay, but granted Wirtgen’s motion for temporary rescission of the SFO, thus temporarily suspending the SFO until such time as the CIT’s decision is modified, stayed, or overturned. On June 15, 2020, the